

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION**

<b>IN RE: ETHICON, INC., PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION</b>	<b>Master File No. 2:12-MD-02327 MDL 2327</b>  <b>JOSEPH R. GOODWIN U.S. DISTRICT JUDGE</b>
<b>THIS DOCUMENT RELATES TO: Ethicon Wave 1 cases listed in Exhibit A</b>	

**PLAINTIFFS' DAUBERT MOTION TO EXCLUDE  
THE OPINIONS OF FDA EXPERT TIMOTHY ULATOWSKI**

COME NOW Plaintiffs in Ethicon Wave 1 cases to respectfully move this Court for an order excluding the testimony of Timothy Ulatowski from all Ethicon Wave 1 cases. Mr. Ulatowski is an FDA expert, and this Court has previously excluded him on the ground that his opinions under Rules 402 and 403 because his opinions bear on a subject matter—the FDA—for which the Court has not allowed evidence. In addition, to the extent that Mr. Ulatowski has tried to extend his opinions to new areas, such as warnings and manufacturing, he is not qualified to give those opinions.

WHEREFORE, Plaintiffs request an order prohibiting Mr. Ulatowski from testifying in any of the Wave 1 cases.

Dated: April 21, 2016

Respectfully submitted,

/s/ Thomas P. Cartmell

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**CERTIFICATE OF SERVICE**

I hereby certify that I filed the foregoing document on April 21, 2016, using the Court's CM-ECF filing system, thereby sending notice of the filing to all counsel of record in this matter.

/s/Thomas P. Cartmell

**Attorney for Plaintiffs**

## **INDEX OF EXHIBITS**

**Exhibit A:** List of cases on which Mr. Ulatowski is designated

**Exhibit B:** Ulatowski CV

**Exhibit C:** Ulatowski TVT Report

**Exhibit D:** Ulatowski TVT-O Report

**Exhibit E:** Ulatowski TVT Exact Report

**Exhibit F:** Ulatowski Gynemesh PS Report

**Exhibit G:** Ulatowski Prolift Report

**Exhibit H:** Ulatowski Deposition, Dec. 17, 2013